

EQUALITY IMPACT ASSESSMENT - RESULTS

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| Title of Policy | The Relaxation of Planning Controls for Digital Communications Infrastructure |
| Summary of aims and desired outcomes of Policy | To relax planning controls on digital communications infrastructure to facilitate the rollout of such infrastructure and so support the Scottish Government's wider aim of Scotland having world class digital infrastructure that supports high quality digital services anywhere, at any time, on any device. |
| Directorate: Division: team | DIRECTORATE FOR LOCAL GOVERNMENT & COMMUNITIES Planning & Architecture Division Development Management Branch |

Executive summary

The Scottish Government is bringing forward legislation to relax the controls on digital infrastructure. This involves legislation on permitted development (PD) rights for such infrastructure – basically removing the need to apply for planning permission for certain developments where a developer complies with the restrictions and conditions contained in the PD rights.

We do not believe these changes to PD rights will impact differentially on the various equalities groups. We did, however seek views on this when conducting a public consultation on the changes to planning legislation.

None of the responses to the consultation contradicted our view as regards the impact on equalities groups.

Background

Two of the Scottish Government's National Outcomes, underpinning its purpose, are:

National Outcome 1 – We live in a Scotland that is the most attractive place for doing business in Europe.

National Outcome 10 - We live in well-designed sustainable places where we are able to access the amenities and services we need.

To help meet these outcomes, the Scottish Government wants to ensure Scotland can take advantage of the opportunities presented by digital technology and therefore wants to support digital connectivity.

Ensuring planning controls on the rollout of digital infrastructure, such as base stations (often called mobile phone masts), antennas, lines and cabinets, are appropriate and allow the effective rollout of such infrastructure while providing appropriate protections for amenity and the environment is a key consideration. Electronic communications code operators already benefit from PD rights in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 for the rollout of their infrastructure.

The Scottish Government commissioned research to explore the scope for relaxation of existing planning controls in this area. A consultation on specific draft legislative changes to PD rights and seeking views on potential further extensions was undertaken between August and November 2016.

The Scope of the EQIA

This EQIA assesses the potential impact resulting from these.

The Scottish Government undertook an initial screening exercise and concluded that there was unlikely to be any differential impacts on any of the groups. This was then consulted upon and views sought from stakeholders on the following questions:

In relation to the partial Equality Impact Assessment, please tell us about any potential impacts, either positive or negative, you feel the proposals in this consultation document may have on any particular groups of people.

In relation to the partial Equality Impact Assessment, please tell us about what potential there may be within these proposals to advance equality of opportunity between different groups and to foster good relations between different groups.

Overall 38 responses were received to the consultation from a variety of organisations including 10 from planning authorities, 7 from heritage bodies, 6 from industry, 5 from individuals, 4 from Government and Agencies and 6 others.

In response to our approach on the EQIA 5 respondents provided comments to the first question and 3 to the second question.

The majority agreed that there would not be an impact on the equalities groups as a result of the transposition proposals, with some commenting that an EQIA was not required at all. One respondent commented that the changes might help reduce inequalities between people in remoter areas, who currently have less access to digital services than people in urban areas.

Recommendations and Conclusion

The Scottish Government has concluded that no changes to the proposed legislation are necessary following results of the EQIA. The proposals in the amended legislation are largely procedural and administrative and intended to apply equally to all affected; as such they have been deemed to have no significant differential effect on the basis of characteristics.